

Senate Bill No. 206

Passed the Senate April 26, 2007

Secretary of the Senate

Passed the Assembly June 21, 2007

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 20150.1 of the Public Contract Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 206, Cox. Public contracts: counties.

Under the Local Agency Public Construction Act, counties with a population of less than 500,000 must comply with specified procedures for contracting for public projects. Existing law allows a public agency, as defined includes counties, to elect to be subject to the Uniform Public Construction Cost Accounting Act, which authorizes alternative bidding procedures for public projects, as specified.

This bill would declare that every county containing a population of less than 500,000 is authorized to participate in the Uniform Public Construction Cost Accounting Act.

This bill would state that this change is declaratory of existing law.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 20150.1 of the Public Contract Code is amended to read:

20150.1. (a) Notwithstanding any other provision of law, except as provided in subdivision (b), every county, whether general law or charter, containing a population of less than 500,000 shall employ bidding procedures on public projects as provided in this article. This article shall be liberally construed to effect its purposes. In the event of conflict with any other provision of law relative to bidding procedures, the provisions of this article shall apply.

(b) Every county, whether general law or charter, containing a population of less than 500,000 is authorized to participate in the

Uniform Public Construction Cost Accounting Act under Chapter 2 (commencing with Section 22000) of Part 3 of Division 2.

SEC. 2. The amendment of Section 210150.1 made by this act does not constitute a change in, but is declaratory of, existing law.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

Twenty-three counties with populations of less than 500,000 have adopted resolutions, in the manner as prescribed by law, allowing them to use the alternative bidding procedures in the Uniform Construction Cost Accounting Act, and acting in good faith, these counties have been using the act for public construction bidding for many years. Due to the Controller's recent interpretation of the state's public contracting laws, these counties have recently received letters from the Controller indicating they are not eligible to use the act's alternative bidding procedures. As such, an urgent statutory fix is necessary to protect the counties from challenges that they have been acting illegally, and to allow the counties to continue to use the act's alternative bidding procedures that they have been using up to this point without question from the Controller or the public.

Approved _____, 2007

Governor